

## **ARTICLE X - SPECIAL PERMIT, SITE PLAN AND OTHER SPECIAL REGULATIONS**

### **SECTION 1000. SPECIAL PERMIT REQUIREMENTS AND PROCEDURES**

#### 1001. Background and Purposes

The types of uses for which conformance to additional standards is required by these Regulations shall be deemed to be permitted uses in their respective zones, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of these Regulations. All such uses are declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

#### 1002. Authority

In all cases where these Regulations require approval by Special Permit, no Zoning Permit shall be issued by the ZEO except after public notice and hearing in accordance with the General Statutes and upon authorization of the Commission.

#### 1003. Application

Application for Special Permit shall be made in writing in a form prescribed by the Commission and shall include:

- a. A detailed statement describing the existing and proposed use or uses.
- b. One copy of the Town Assessor's Map at a scale of 1"=200' showing the location of the applicant's property and all adjoining lots, as well as a list of the names and addresses of all subject and adjoining property owners as shown on the tax assessment records, including those lots directly across a street, waterbody or watercourse from the subject property.
- c. A Site Plan in accordance with Section 1020.
- d. Unless specifically waived by the Planning and Zoning Director all applications shall be accompanied by a traffic study evaluating the impact of the proposal on thoroughfares serving and/or affected by the development. The study shall include, as appropriate, data and information on existing ADT (average daily traffic) of principal roads, peak hour traffic, adequacy of right-of-way and travelway, traffic impact of proposed development, traffic generation data, location of curb cuts within 300 feet from the development site, traffic lights and intersections, and recommendations for safe pedestrian and vehicular circulation, including provisions for safe sidewalks and crosswalks for pedestrians. Where applicable, the applicant shall include the written recommendations of the Connecticut Department of Transportation.
- e. All approvals from any local, regional, state or federal agency or department having jurisdiction over any aspect of the application.

- f. Such other information as the Commission may require to determine compliance with the intent and purpose of these Regulations.
- g. All applications shall be accompanied by a fee to cover the cost of administration. (See Appendix B.)

1004. Procedure

Failure to comply with all aspects of Subsection 1003 shall constitute a defective application and shall be grounds for the Commission either to not accept the application or to deny such application. The Commission, when appropriate, may seek the advice and opinion of other officials, boards, commissions or consultants to assist it in evaluating applications. Such advice and opinion shall be submitted at or prior to public hearing. The Commission shall hold a public hearing on a complete application, shall decide thereon and give notice of its decision as required by law. The applicant may consent in writing to any extension of the time for public hearing and/or decision on the application in accordance with General Statutes.

1005. Standards for Approval

Unless otherwise specified, a Special Permit use shall conform to all requirements of the district in which it shall be located and the standards contained herein.

The Commission may authorize the issuance of a Special Permit after considering the health, safety and welfare of the public, in general, and the immediate neighborhood, in particular, and provided the Commission shall make the following findings:

- a. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, shall be such that it shall be in harmony with the appropriate and orderly development of the district in which it is located.
- b. The location, nature, size, and height of buildings, walls and fences, and the nature and extent of landscaping, screening, lighting and signs shall be such that the use shall not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
- c. The elements of the Site Plan submitted as part of the Special Permit application shall accomplish the objectives for Site Plan Approval as specified in Subsection 1024.
- d. The design, location and specific details of the proposed use shall not adversely affect safety in the streets nor increase traffic congestion in the area, nor interfere with the pattern of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

- e. Streets and other rights-of-way shall be of such size, condition and capacity to adequately accommodate the traffic to be generated by the particular proposed use.
- f. Where it shall be proposed to convert a structure designed and built originally for other uses, the applicant shall show the adaptability of such structure to the proposed use, particularly in relation to the public health and safety.
- g. Wherever possible and reasonable, consideration shall be given to the protection, preservation, and/or enhancement of the natural environment, in conformance with Section 100.i and the Commission may require, as a condition of approving any plan, the use of conservation restrictions to protect and permanently preserve natural or unique features which enhance the character and environment of the area, or that shall be necessary for the control of sedimentation and erosion.
- h. In cases involving a request for an exception of Section 654 for special permission for first floor office or Financial Service use in lieu of commercial sales and service within the Central Business District, the Commission shall consider the presence or absence of off-street parking in direct proximity of the site, the character of surrounding uses, convenience of pedestrian access, location within the CBD and directly related types of considerations regarding the policies of the Town Plan of Conservation and Development and the preference for commercial sales and services uses (other than Financial Service uses) on the first floor.
- i. Special Permits shall not be granted for home occupations when the Commission determines that the proposed use will constitute a fire or safety hazard to neighboring residences and/or will adversely affect neighboring property values and/or will constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, excessive noise, odor or other circumstances.

1006. Conditions and Safeguards

In granting a Special Permit, the Commission shall attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations. The Special Permit shall only authorize the particular use or uses specified in the Commission's approval.

Any condition attached to the granting of a Special Permit shall remain with the property as long as the Special Permit use is still in operation. These conditions and safeguards shall continue in force regardless of any change in ownership of the property.

1007. Revocation

Failure to strictly adhere to the documents, plans, terms, conditions, and/or safeguards approved by the Commission or its staff shall be a violation of these Regulations and dealt with in accordance with Subsection 1104.

1008. Amendments or Modifications

An approved Special Permit may be amended or modified provided application shall be made in the same manner as the original application subject to the same procedures for approval; except that amendments which shall be found to be of a minor nature or which do not materially alter the Special Permit as determined by the Commission, may be authorized with Commission approval only, without another Public Hearing.

1009. Expiration and Renewal

Approval of a Special Permit shall be subject to any expiration date the Commission may establish as part of its decision. This shall be determined on a case-by-case basis. Extensions of this period may be granted by the Commission as applicable, on written application to it, adequately setting forth the justification for such extension.

In approving a Special Permit, the Commission may require periodic renewal of the permit to determine continuing compliance with the conditions and standards for approval.

A Special Permit shall expire if said use or uses shall cease for more than six months for any reason, or if all required improvements shall not be completed within the stated expiration period, or if all such required improvements shall not be maintained and all conditions and standards complied with throughout the duration of the use. An expired Special Permit shall be considered void.

## **SECTION 1020. SITE PLAN REQUIREMENTS AND PROCEDURES**

### **1021. Background and Purposes**

The Site Plan review process is intended to assure that all aspects of business, commercial and other uses comply with the standards and specifications of these Regulations and that adequate provision is made for vehicle and pedestrian access and circulation, parking, landscaping, buffering, signage, lighting, drainage, utilities, and other aspects of the proposed development and use of the land.

### **1022. Authority**

Site Plan approval from the Commission shall be obtained prior to the establishment, expansion, or change of any use of land and/or structure which requires Special Permit approval or is not a single-family residence.

### **1023. Application Procedure**

#### **1023.1 Pre-application Conference**

Prior to submission of a formal Site Plan application, the applicant may meet with the Commission's staff to discuss the application requirements and review preliminary plans.

#### **1023.2 Application**

Each application for Site Plan Approval shall be submitted on a form prescribed by the Commission, accompanied by the required number of sets of the Site Plan information required in Subsection 1024, as well as the applicable fee. (See Appendix B.)

#### **1023.3 Exceptions**

After an optional pre-application conference, and upon written request by the applicant, the Planning and Zoning Director may recommend modifications to one or more of the specific requirements of the Site Plan application (Subsection 1024) if: (1) the proposed improvement or development shall not affect existing parking, circulation, drainage, building relationships, landscaping, signs, lighting or any other consideration of Site Plan Approval; or (2) if the information required shall be unnecessary for the particular application and the lack of such information shall not impair or prejudice the Commission's determination as to the application's conformity to these Regulations. The Director's recommended modifications shall not be binding on the Commission.

#### **1023.4 Architectural Review**

Upon submission of a complete application, the applicant shall meet with the Architectural Review Board which shall report its findings to the applicant and the Commission prior to the Commission taking action. The comments and recommendations of the Architectural Review Board shall include review and

comments on the architectural design of all buildings and other structures so that same are of such character as to harmonize with the neighborhood and surrounding uses, and to preserve and improve the appearance and beauty of the community.

#### 1023.5 Other Referrals

The Commission may refer any Site Plan application to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.

#### 1024. Site Plan Requirements

For all uses requiring Site Plan Approval, a Site Plan application shall include nine sets of the following information, maps and plans:

All maps shall include an accurate and up-to-date Class A-2 survey of the property and improvements prepared by a Land Surveyor registered in the State of Connecticut. All plans shall be prepared, signed and sealed by a Connecticut registered Engineer, Architect or Landscape Architect whichever shall be appropriate. All plans shall be prepared at a scale not smaller than one inch equals 100 feet nor larger than one inch equals 10 feet. Sheet size shall be either 24 inches by 36 inches or 36 inches by 42 inches.

##### 1024.1 General Information

A completed application form available from the Commission's office shall include:

- a. Name and address of the applicant and owner of record as listed on the Town's Land Records.
- b. A written description of the proposed use or uses.
- c. Notification requirements pursuant to Section 1040.

##### 1024.2 Site Plan Map

The Site Plan map shall illustrate the existing and proposed development of the property and shall include the following information:

- a. General Information
  - (1) Name and address of the applicant and owner of record as listed on the Town's Land Records;
  - (2) Date, north arrow and scale;
  - (3) A key map showing the subject property in relationship to adjoining properties and nearby streets, drawn at a scale of one inch equals 600 feet;

- (4) A table or chart indicating the proposed number or amount and types of uses, lot area, lot width, setbacks, yards, building height, coverage, floor area, floor area ratio computations, parking computations and spaces, landscaping, open spaces and any other elements as they relate to the requirements of these Regulations.

b. The Property

- (1) The bearings and distances of all boundaries and areas of the property in square feet;
- (2) Location, width and purpose of all existing and proposed easements and rights-of-way on the property.

c. Buildings and Use

- (1) Location, dimensions, area, height and setbacks of all existing and proposed buildings, signs, fences and walls;
- (2) Location and area of all existing and proposed uses and facilities not requiring a building such as swimming pools, tennis courts, light standards, tanks, transformers and dumpsters and external storage of equipment and goods.

d. Parking, Loading and Circulation

- (1) Location, arrangement and dimensions of automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits and ramps;
- (2) Location, arrangement and dimensions of loading and unloading areas;
- (3) Location and dimensions of pedestrian walkways or sidewalks, entrances and exits.

e. Signs and Lighting

- (1) Location, size, height, orientation and plans of all signs;
- (2) Location, size, height, orientation and design of any outdoor lighting, including information on shielding, foot-candles, and hours of operation.

f. Utilities

Location and design of all existing and proposed sanitary sewer, storm drainage, water supply facilities and enclosed refuse collection areas, as well as other underground and above ground utilities and equipment. All public utilities shall be placed underground. All engineering improvements shall be accompanied by appropriate data in accordance with good engineering practice such as quantity and velocity calculations, profiles, cross-sections, pipe sizes, flow

lines, pipe slopes and lengths, invert and top of grate elevations, existing and proposed grades and construction materials.

#### 1024.3 Topographic Map

The topographic map shall illustrate the existing and proposed conditions of the property and shall illustrate the following information:

- a. The boundaries and area of the property.
- b. Location, width and purpose of all existing and proposed easements and rights-of-way on the property.
- c. Existing and proposed contours with intervals of two feet, referenced to USGS MSL datum including all provisions for drainage and erosion control.
- d. Location of all existing wooded areas, watercourses, wetlands, rock outcrops, and other significant physical features, and, where appropriate, the mean high water line, the wetlands boundary, the flood hazard area and the coastal area boundary.
- e. Storm drainage patterns and watershed information.

#### 1024.4 Open Space and Landscaping Plan

The Open Space and Landscaping Plan shall illustrate the existing and proposed landscape development of the property and shall include the following information:

- a. Size, arrangement, uses and dimensions of all open spaces on the site.
- b. Location, general layout, type and size of buffer or landscape area, plant material, fencing, screening devices, decorative paving or other materials proposed.
- c. Location of existing trees with a trunk caliper of more than eight inches except in densely wooded areas where the foliage line shall be indicated.
- d. Location of all existing watercourses, wetlands, rock outcrops and other significant physical features.

#### 1024.5 Architectural Plans

The applicant shall submit preliminary architectural drawings showing exterior wall elevations of all proposed buildings and structures, indicating window treatment, location and treatment of roof top mechanical equipment, building materials and building floor plans indicating existing and proposed square footage by use.



#### 1024.6 Staging Plan Map

In cases where the applicant wishes to develop in stages, an overall site and staging plan indicating ultimate development for the entire property shall be submitted at the same scale as the Site Plan.

#### 1024.7 Off-Site Information

- a. Buildings, parking areas and curb-cuts on all adjoining property located within not less than 50 feet of the site.
- b. All cross streets located within 50 feet of the site.
- c. All curb-cuts or driveways located across the street from or opposite the site.
- d. All traffic lights and controls, public trees, catch basins, manholes, hydrants, utility poles and utility lines located in adjacent streets.
- e. All zone boundary lines within 100 feet of the site.

#### 1024.8 Impact Analysis

The Commission may require the applicant to provide an impact analysis of storm drainage, sanitary sewers, traffic, site disturbance and/or water, air or noise pollution in those cases where public facilities or the environment can be adversely affected by the proposed development. The Commission may require a Parking Impact Analysis, which would analyze the proposed use(s) and square footage of the building, and review whether the proposed amount of parking is sufficient. This Analysis should establish how the proposed parking supply will meet projected demand.

#### 1024.9 Other Information

The applicant shall submit any other information deemed by the Commission to be necessary to determine conformity with the intent of these Regulations.

#### 1025. Site Plan Objectives

In reviewing and acting on a Site Plan application, the Commission shall take into consideration the health, safety, comfort and convenience of the public in general and the immediate neighborhood in particular, and may require such modifications of the plans as it shall deem necessary to ensure the accomplishment of the following general objectives:

##### 1025.1 Town Plan

That the proposed Site Plan shall be in general conformance with the intent of the Town Plan. However, the Town Plan shall not take precedence over specific provisions of these Regulations.

#### 1025.2 Public Safety

That all buildings, structures, uses, equipment, or material shall be readily accessible for fire, police, and ambulance service. Specifically, the plans shall be subject to the approval of the Fire Marshal. The plans shall comply with the State Building Code, with specific regard to the requirements for the handicapped (ramps, elevators, depressed curb and parking provisions).

#### 1025.3 Traffic and Pedestrian Access

That all proposed traffic and pedestrian accessways shall not create traffic hazards and shall be: adequate, but not excessive in number; adequate in width, grade, alignment and visibility; adequate in distance from street corners, places of public assembly and other accessways; and adequate in design for other similar safety considerations.

#### 1025.4 Circulation and Parking

That adequate off-street parking and loading spaces shall be provided to prevent on-street and off-street traffic congestion; that all parking spaces and maneuvering areas shall be suitably identified; that entrances and exits shall be suitably identified and designed to specific use radii; that the interior circulation system shall be adequately designed to provide safe and convenient access to all structures, uses, and/or parking spaces; that parking areas shall be provided with suitable bumper guards, guard rails, islands, crosswalks, speed bumps and similar safety devices when deemed necessary by the Commission to adequately protect life and property; and that provision shall be made for safe pedestrian movement within and adjacent to the property by the installation of sidewalks.

#### 1025.5 Landscaping and Screening

That the general landscaping of the site shall comply with the purpose and intent of Section 940; that existing trees shall be preserved to the maximum extent possible; refuse containers shall be enclosed; and that parking, storage, and service areas shall be suitably screened during all seasons from the view of adjacent residential areas and public rights-of-way.

#### 1025.6 Lighting

That lighting of the site shall be adequate at ground level for the protection and safety of the public in regard to pedestrian and vehicular circulation. Specifically, all exterior light fixtures shall be located at the minimum height from the ground and the maximum distance from the property line necessary to provide adequate and safe lighting of the building entrances, walkways, parking area and accessways.

That glare from the installation of outdoor lights and illuminated signs shall be properly shielded from the view of adjacent property and public rights-of-way. Specifically, all exterior lighting shall be designed so that the filaments, light sources, reflectors or lenses shall be shielded with opaque material in such a way that the light shall be directed down and shall not be visible at a height greater than six feet above the ground level at property lines.

The alteration of approved lighting or installation of additional lighting shall require Site Plan Approval or modification of an existing Site Plan.

#### 1025.7 Public Health

That all utility systems shall be suitably located, adequately designed, and properly installed to serve the proposed uses, and to protect the environment from adverse air, water or land pollution. Specifically, all refuse collection areas shall be located near the service entrance or loading area of a building, shall be easily accessible to service trucks, and shall be screened or otherwise enclosed by plantings, walls or fencing.

#### 1025.8 Drainage

That the design of storm water drainage systems shall be such as to minimize soil erosion and maximize absorption of pollutants by the soil. Runoff from impervious areas shall be attenuated to reduce peak flow volume and sediment loads to pre-development levels.

#### 1025.9 Environmental Features

That the development of the site shall conserve as much of the natural terrain and vegetation as possible, shall preserve sensitive environmental land features such as steep slopes, wetlands and large rock outcroppings and shall preserve public scenic views or historically significant features.

#### 1026. Conditions of Approval

In approving any application, the Commission may impose such conditions and/or stipulations deemed necessary to assure compliance with these Regulations. A copy of the revised approved plans (including notes of conditions and/or stipulations) shall be submitted by the applicant to the Commission's staff for review. All time periods and procedures specified in the decision shall be complied with or any approval will become void.

#### 1027. Performance Bond

##### 1027.1 Bond

The Commission may require, as a condition of approval, that the applicant post a bond with surety satisfactory to the Commission in order to assure conformance with all proposed improvements (excluding buildings) shown on the approved Site Plan. An itemized estimate of the cost of the specific improvements shall be prepared by the applicant, including a separate inflation factor for the estimated construction period, and shall be submitted to the Director of Public Works and the Planning and Zoning Director for approval. The bond shall be in the form of a certified check payable to the Town of Darien, a savings passbook with a signed withdrawal slip for a joint account in the name of the Town and applicant, an irrevocable letter of credit from a bank, or an insurance company performance bond written by a company authorized to write bonds in the State of Connecticut. If so required, said bond shall be posted with the Town, in

accordance with the approved Site Plan for a period of time as determined by the Commission.

1027.2 Release of Bond

Upon written request of the applicant for the reduction or release of the bond, the Commission shall cause the site to be inspected by the ZEO, the Director of Public Works, and/or other appropriate Town Officials to determine if all or a portion of the conditions of approval have been met and if all required site improvements have been satisfactorily completed in accordance with the approved plans. Before release of any bond, the Commission may require the applicant to submit an "As-Built" plan, certifying that all of the required site improvements have been installed in accordance with the approved plans. The Commission may require that a portion of the bond be retained after vegetative cover and planting have been installed in order to assure adequate growth or replacement. Based on the findings, the Commission may authorize the reduction or release of said bond.

1028. Expiration

Approval of a Site Plan shall expire one year subsequent to approval by the Commission, unless a Certificate of Zoning Compliance shall have been granted therefor by the ZEO, and/or all required work completed, provided, however, the Commission shall reserve the right to grant one or more extensions on written application to it adequately setting forth the justification for such extension.

1029. Amendments

Site improvements and development shall be carried out in strict compliance with the Site Plan approved by the Commission. In the event that minor amendments shall be required, they may be approved by the Planning and Zoning Director upon written application of the property owner. Any such approval shall be issued in writing. All other amendments or modifications shall be acted upon by the Commission at a regularly scheduled meeting.

1030. Certificate of Zoning Compliance

No Certificate of Zoning Compliance shall be issued until the site work has been completed in accordance with the approved Site Plan. When the site work cannot be completed because of weather or other pertinent reasons, a conditional Certificate of Zoning Compliance may be issued for a period not to exceed 180 days, providing a portion of the posted bond shall be retained in an amount sufficient to complete the site work or, if necessary, a new bond shall be posted. Upon written request of the applicant and satisfactory completion of the site work, the Commission shall order the release of the bond.

1031. Continuance

All conditions and improvements shown on an approved Site Plan shall remain with the property as long as the use indicated on the approved Site Plan shall be in operation. The conditions and improvements shall continue in force, regardless of any change in ownership of the property.

## **SECTION 1040 - NOTIFICATION TO ABUTTING PROPERTY OWNERS**

### **1041. Background and Purposes**

The purpose of this notification procedure is to alert those owners of each parcel or property 100 feet or less distant from the perimeter of the applicant's property, of an application pending before the Planning and Zoning Commission in order that they may have the opportunity to review the application and make their opinions and comments known at the public hearing.

### **1042. Applicant Responsible for Notification**

- a. The applicant, or their legal representative, shall be responsible for notifying owners of property or parcels within 100 feet of the perimeter of the subject property of any pending application for a Coastal Site Plan Review; Special Permit; Site Plan approval; and/or Amendment of the Zoning Map and/or Regulations involving a single property or properties with a total area of less than five acres. Any applicable notice requirements for Zoning Map and/or Regulation amendments are in Section 1110 et. seq. of these Regulations. With the submission of any such application to the Planning and Zoning Commission, the applicant shall provide:

A list of the names, addresses, and tax map/lot numbers of owners of property within 100 feet of the subject property. The latest records of the Darien Tax Assessor shall be used to determine the required information.

If the application shall be scheduled for a Public Hearing before the Planning and Zoning Commission the applicant shall notify each owner of property within 100 feet of the perimeter of the subject property of the time, place, date, and purpose of the hearing. This notification shall also include a description of the application and the nature of the proposed activity. Such notice shall be mailed not less than ten (10) days nor more than twenty (20) days prior to the first scheduled public hearing. Notice shall be sent as per Subsection 1043. Any applicable notice requirements for Zoning Map and/or Regulation amendments are in Section 1110 et. seq. of these Regulations.

### **1043. Notification Procedures**

- a. Notices from the applicant to the property owners within 100 feet of the perimeter of the subject property (see Section 1042) shall be sent via U.S. Mail. The applicant shall obtain proof of mailing in the form of stamped U.S. Postal Service Certificates of Mailing or Certified Mail Receipts. Notices sent "Return Receipt Requested" are not required.
- b. At least three business days prior to the commencement of the first Public Hearing, the applicant, or their legal representative, shall submit a list showing the names and addresses of the owners of specified properties including their respective tax map and lot numbers, one copy of the notification (including attachments) which was mailed and evidence of the required mailing in the form of stamped Certificates of Mailing or Certified Mail Receipts.

## **SECTION 1050 - SPECIAL USES WITH SPECIAL STANDARDS**

Each of the following uses is permitted in each zone to the extent indicated for that use and zone, subject to these additional requirements and all provisions of the applicable zone, except as specifically provided for in this Section.

Every application for the use of property subject to conditions set forth herein shall be filed in accordance with the provisions of these Regulations, and shall be subject to any approval stipulated in this Section.

### **1051. Protected Town Landmarks**

#### **1051.1 Background and Purposes**

To preserve the cultural heritage of the Town, it is recognized that certain structures and land areas have value as Town Landmarks, which value transcends the ordinary standards incorporated in these Regulations and, therefore, requires that each individual site be considered a special case. It is declared to be policy of these Regulations that significant landmarks of the Town should be preserved insofar as appropriate to the sound development of Darien in accordance with policies of the Town Plan.

#### **1051.2 Standards**

- a. Subject to the provisions of Section 1000, and of this Section, application may be made to the Commission for designation and Special Use regulations establishing a Protected Town Landmark.
- b. Application shall be in a form prescribed by the Commission, and shall consist of a Site Plan, accurate exterior elevation drawings of each building to be preserved, and sufficient documentation to establish the historic, cultural or architectural significance of the proposed landmark.
- c. After appropriate public hearing and findings, the Commission may authorize, without respect to specific uses and setbacks prescribed for the zone in which located, a special set of regulations and standards applicable only to the particular structure or site which is to be preserved. Such special regulations shall be designed to preserve the landmark in proper condition, and to conserve the values and appropriate uses of its environs.
- d. The conservation restriction shall be one of the methods that may be used by the Commission to protect and permanently preserve these landmarks.
- e. Each Special Permit granted under this Section shall prescribe the specific uses to be permitted, conditions to be observed, structural appearance to be maintained, and site development or features to be adhered to, and any deviation from these prescriptions shall constitute a nullification of the permission granted. In determining the appropriate use, intensity of development, and structural appearance of the landmark, the Commission

shall be guided by the character of its surroundings and the general purposes (Article I and Subsection 1051.1) of these Regulations. No special uses shall be authorized which would be deleterious to the adjacent neighborhood.

### 1051.3 Identification

Each Protected Town Landmark shall be suitably marked by an identification plaque approved by the Commission and describing its significance. All signs, and the identification plaque, shall continue to meet the sign provisions of Section 920.

## 1052. Single-Family Open Space Development

### 1052.1 Background and Purposes

Open space plays an important role in Town for environmental/ conservation purposes, aesthetic purposes and for passive enjoyment and may include woodlands, wetlands, vacant property left in its natural state and naturally landscaped open areas. Single-Family Open Space Development allows for the preservation of such property.

Excess impervious surface area contributes to the volume and velocity of surface water runoff, thereby increasing flooding potential. Establishing regulations restricting impervious surface coverage will reduce flooding impacts caused by development and help to maintain the character of the community. Single-Family Open Space Development achieves these objectives by establishing a Maximum Developed Site Area standard.

The Planning and Zoning Commission generally views a variety of housing options as an enhancement to Darien. Housing that permits Darien residents to “downsize” is needed. Single-Family Open Space Development addresses this need by allowing more than one single-family dwelling on a lot at a density no greater than the existing zone theoretically allows, provided that such housing is appropriate for the specific lot and the neighborhood in general.

Single-Family Open Space Development is intended to apply to oversized lots as an alternative to subdivision. It reduces the intensity of development on lots with sensitive lands by deducting wetlands, steep slopes and flood zones from the lot area for density, coverage and floor area calculations. It protects neighboring properties with buffers and setbacks equal to or greater than those required by the residential zone in which the property is located and with architecture designed to harmonize with the neighborhood and surrounding uses.

Except as specifically provided herein, these regulations shall not legalize or be construed to legalize any residential use not lawfully existing at the time these regulations are adopted including but not limited to apartments, cottages, or any other residential use involving more than one dwelling unit on a single lot.

### 1052.2 Area and Bulk Requirements

Single-Family Open Space Development is only permitted in the R-1/5 and R-1/3 Residential Zones in accordance with the Area and Bulk Requirements of

Subsection 406 of these Regulations and the additional requirements noted below. The requirements listed below for each zone shall be deemed to be the minimum or maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

	<u>R-1/3</u>	<u>R-1/5</u>
1. Minimum Lot Area (Square Feet)	98,010	72,600
2. Minimum Width	160	120
3. Minimum Frontage	See Subsection 406	
4. Minimum Depth	See Subsection 406	
5. Minimum Front Yard	See Subsection 406	
6. Minimum Side Yard: Least One	See Subsection 406	
7. Minimum Side Yard: Total of Two	See Subsection 406	
8. Minimum Rear Yard	See Subsection 406	
9. Accessory Structures Minimum Distance from Any Lot Line	25	
10. Maximum Height in Stories	See Subsection 406	
11. Maximum Height in Feet	See Subsection 406	
12. Maximum Building Coverage (See Note a)	17.5%	20%
13. Minimum Building Separation	20	16
14. Maximum Developed Site Area (See Note a, c)	35%	40%
15. Maximum Floor Area Ratio (See Note a)	0.25	0.30
16. Minimum Open Space (See Note b)	30%	
17. Minimum Lot Area per Dwelling (Square Feet) (See Note a)	14,520	8,712

Note a: For calculation of Building Coverage, Developed Site Area, Floor Area Ratio, and Lot Area per Dwelling, the Lot Area shall exclude the following "Sensitive Land": wetlands, watercourses, land areas sloped at more than 15%, and special flood hazard areas inundated by the 100-year flood as indicated on the Flood Insurance Rate Map and determined in conjunction with an accurate topographic survey of the site. The submitted site plan shall delineate the "Sensitive Land" as defined herein.

Note b: Minimum Open Space shall be 30% of the total area of the lot (not Lot Area as defined in Note a). At least one-third (1/3) of the Minimum Open Space shall affect property that is not Sensitive Land as determined per Note a, above.

### 1052.3 Open Space

Open Space shall be the portion of the lot subject to an open space easement approved by the Commission that requires such portion to be maintained as indicated on the Landscape Plan and Grading and Drainage Plan approved by the



Commission. Such Open Space shall be formally demarked and vegetated with meadow seed mix, shrubs, screening, trees, woody vegetation, and similar native vegetation with habitat value. Up to half of the area of the Open Space may include surface stormwater treatment practices that are so vegetated with associated underground drainage structures (such as a rain garden, bio-retention basin, and/or treatment wetland or similar practice). Lawn is not permitted within designated Open Space.

#### 1052.4 Lot to be Served by Public Water and Public Sewerage Facilities

To qualify for development under these regulations, a lot shall be served by public water and public sewerage facilities of sufficient capacity for the proposed development.

#### 1052.5 Off-street Parking, Loading and Vehicular Access

Parking, loading and vehicular access to the lot shall conform to Section 900 except that the Parking Setbacks from adjacent residential zones shall be a minimum of ten feet from any lot line.

#### 1052.6 Landscaping, Screening, and Buffer Areas

Single-Family Open Space Development shall conform to Section 940 except that buffer areas need not exceed ten (10) feet in width and, at the discretion of the Commission, may include lawns, gardens, uncovered walks, patios, terraces and other at grade surfaces not considered a building. Single-Family Open Space Development is not considered a “single-family dwelling” under Section 940.

#### 1052.7 Architectural Design and Review

Single-Family Open Space Development shall conform to Subsection 1023.4. In addition, the proposed architecture shall be suitably diverse in its design and appearance to emulate the look of a single-family neighborhood. Subsequent to Special Permit Approval, any significant modification to the architectural plans of an individual dwelling approved by the Commission shall be reviewed and approved by the Architectural Review Board prior to issuance of a Zoning Permit for such modifications.

#### 1054. Package Liquor Stores

(repealed effective June 18, 2000)

#### 1055. Hotels, including Motels and Inns

##### 1055.1 Character of Use

If a site shall be used for a hotel, use of the site and any buildings or structures on the site shall be limited to usual hotel activities, as defined in these Regulations, and accessory uses incidental to the operation of a hotel, and of the same general character, provided that all such accessory uses shall be planned as an integral part

of and located on the same site with the hotel. Such accessory uses may include the following:

- a. One house or apartment with or without kitchen facilities for the use of the hotel manager or caretaker and his family.
- b. One restaurant, providing food and drink, and serving either hotel guests exclusively or the general public.
- c. Recreation facilities for the exclusive use of hotel guests, including a swimming pool, a children's playground, and an indoor recreation room.
- d. A lobby, registry desk, manager's office and public rest room facilities.
- e. Off-street parking facilities for the use of all hotel guests and employees.

#### 1055.2 Occupancy

Occupancy for any guest shall be limited to not more than 30 days in any 90 day period. In no case shall hotel units be used as apartments for non-transients.

#### 1055.3 Area and Bulk Requirements

- a. Site - The lot shall be at least five acres in area, and shall have a street frontage of at least 300 feet.
- b. Setbacks - Setbacks shall be the same as specified in the SB Zone.
- c. Coverage - All buildings shall cover a total of not more than 20 percent of the lot.
- d. Density - There shall be at least 2,000 square feet of lot area for each hotel room, exclusive of manager's office and public rooms. There shall be at least 1/5 acre for any dwelling unit occupied by a manager or caretaker.
- e. Building Height - No building shall exceed two stories or 28 feet in height.
- f. Hotel Rooms/Area
  - (1) Hotel rooms, occupied or available for overnight accommodation of guests, shall not be interconnected by interior doors in groups of more than two rooms.
  - (2) The total interior floor area of each such room, including sleeping area, bathroom and closet, shall not be less than 300 square feet.

#### 1055.4 Distance Between Buildings

Distance between buildings shall not be less than 30 feet, except that this shall be increased to 50 feet where a driveway passes between buildings.

#### 1055.5 Ingress and Egress

Point of ingress and egress shall be limited to a total of two on any street.

#### 1056. Motor Vehicle Service Stations

The following standards shall apply to all new, expanded, renovated or modified motor vehicle service stations:

##### 1056.1 Principle Uses Requiring Special Permit

Motor vehicle service stations shall include facilities commonly known as gas stations, automotive repair shops, garages and similar uses. Auto body repair, painting, and retail sales of nonrelated products shall not be permitted uses in a motor vehicle service station.

The Commission shall find as follows:

- a. Full and self service gas stations. A full and self service gas station shall provide both full and self service during regular business hours as determined by Special Permit. Self service only may be offered exclusively during other business hours. Any such facility must comply with subsection 1056.4.
- b. Full and self service gas stations shall have fire suppression equipment and at least one attendant on duty while the station is open to the public.
- c. Signs relating to full and self service shall comply with Section 923.1.

##### 1056.2 Accessory Uses Requiring Special Permits

- a. Tow truck operation, storage or service.
- b. The rental of automobiles and/or trucks.
- c. The sale of new or used automobiles, provided that at no time shall there be more than seven such vehicles on the site.
- d. The sale of non-automobile related goods and services.

##### 1056.3 Service and Repair

There shall be at least one building on the site which shall be designed and of adequate size for the internal servicing and repair of automobiles. All major repair and service work (but excluding emergency service and the sale of fuels and lubricants from pumps) shall be conducted entirely within an enclosed building.

##### 1056.4 Curb Cuts

There shall be no more than two curb cuts per property (except that corner lots may have a third curb cut) and no curb cut may be within 30 feet of another curb cut on the same lot or 25 feet of the intersection of two streets.

#### 1056.5 Storage of Vehicles

There shall be an area of at least 500 square feet (1,000 sq. ft. for lots over 21,780 sq. ft. in size) which shall be designed and designated as a disabled vehicle storage area. This area shall be adequately screened from adjoining properties and streets and shall be used for all overnight storage and/or parking of vehicles, equipment and parts of vehicles. No more than three unregistered or inoperable vehicles (or major portions thereof) shall be stored on, or parked at, a site overnight.

#### 1057. Dedication of Public Parking Areas

In the CBD Zone where the entire portion of a lot lying to the rear of a Rear Building Line, established by the Commission, shall be given to and accepted by the Town by deed of conveyance or by perpetual easement, for permanent use as a public parking area, the following modifications of these Regulations shall apply:

- a. No rear yard, parking or loading space shall be required, maximum building coverage limitations shall not apply, and the maximum permissible floor area shall be equal to twice the area of such lot, not including therein any required front or side yard, remaining after such gift of such portion, provided that any building or addition constructed thereon shall have a direct public entrance from said public parking area.
- b. See Subsection 384.2.
- c. The permissible total floor area of the building may be increased within the limits established by maximum building height, provided that:
  - (1) An equal amount of open space on the same lot shall be reserved from building coverage and shall be developed and maintained by the owner as a plaza or mall space open to the general public;
  - (2) The Commission shall first review and approve the detailed Site Plan for the mall or plaza to determine that its location, layout, dimensions, planting, traffic, lighting, signs, drainage, utilities and other features shall be in harmony with the convenient, orderly and attractive development of the business district and shall conform to the Site Plan objectives in Subsection 1024.
- d. Where the Commission approves a conveyance under this Section by perpetual easement, the Commission shall state on its records the reason or reasons why such easement is preferred over conveyance by deed.